IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 1ST SEPTEMBER 2006 / 10TH BHADRA 1928

Bail Appl..No. 5392 of 2006

CMP.8678/2006 of J.M.F.C.-I, KOLLAM
CRIME NO.66/2006 OF EXCISE RANGE, KOLLAM

.....

PETITIONERS/ACCUSED NOS.1 TO 3

---

1. SREENIVASAN, S/O. THANKAPPAN,
   ANATHUBHAVANAM VEEDU, KATTAKKADA VILLAGE,
   NEYYATTINKARA TALUK, THIRUVANANTHAPURAM DISTRICT.

2. RAJESH, S/O. DEVIDAS,
   KALLIDANTHILVADAKKATHIL VEEDU,
   THEVALLIMURI, ANADU TALUK, KOLLAM DISTRICT.

3. SHANKUMAR, S/O. MANI,
   CHEKKUMKARAPUTHEN VEEDU, ANADU TALUK,
   THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
EXCISE INSPECTOR, EXCISE RANGE OFFICE, KOLLAM,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/09/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5392/2006

DATED THIS THE 1ST DAY OF SEPTEMBER, 2006

O R D E R

The petitioners are accused 1 to 3, in C.R.No.66/2006 of Excise Range, Kollam. 3824 liters of toddy had been seized from T.S.No.43/2006-07, which is in excess of the permitted quantity.

2. The prosecution submits that the first accused is the salesman and accused Nos. 2 and 3 are preparing toddy with the help of various materials and sell the same in the shop, other than the toddy supplied from the authorised shops. The counsel for the petitioners, on the other hand, submits that if the toddy is adulterated, the same could be ascertained only if the chemical analysis report is available. Further submission of the counsel is that if the toddy is not destroyed after 48 hours, it is only violation of the licensing condition and that would attract the penal provision under Section 56(b) of the Abkari Act.

3. After hearing both sides and considering the materials that are placed before me, I grant bail and release the petitioners from jail, subject to the following condition:-

> Each petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class-I, Kollam.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs